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5 Attorneys for Respondent and Defendant,
6 SANTA BARBARA COUNTY
BOARD OF SUPERVISORS

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 EXXON MOBIL CORPORATION,

11 Case No: 2:22-cv-03225 DMG (MRWx)

12 Petitioner and Plaintiff,

13
14 **ANSWER TO VERIFIED PETITION
FOR WRIT OF MANDATE AND
COMPLAINT FOR
DECLARATORY RELIEF AND
DAMAGES**

15 v.

16 SANTA BARBARA COUNTY
17 BOARD OF SUPERVISORS,

18 Respondent and Defendant.

19
20 Judge: Hon. Dolly M. Gee
Courtroom: 8C, First St. Courthouse

21 Respondent and Defendant Santa Barbara County Board of Supervisors
22 (the “Board”) responds to Petitioner and Plaintiff Exxon Mobil Corporation’s
23 (“ExxonMobil”) Verified Petition for Writ of Mandate and Complaint for
24 Declaratory Relief and Damages (“Petition”), as follows:

25 **INTRODUCTION**

26 1. In response to the allegations of paragraph 1, the Board admits that this
case involves the denial of a permit application and that the requested project
would permit trucking on an interim basis for ExxonMobil’s Santa Ynez Unit

1 (“SYU”). Except as so admitted, paragraph 1 contains legal assertions,
 2 arguments, or conclusions that are not material allegations, and to which no
 3 response is required. To the extent these legal assertions, arguments, or
 4 conclusions may be interpreted to assert material allegations, the Board denies
 5 the allegations.

6 2. In response to the allegations of paragraph 2, the Board admits that the
 7 SYU consists of three offshore platforms—Hondo, Heritage, and Harmony (the
 8 “Platforms”) located on submerged land leased from the United States in federal
 9 waters off the Santa Barbara County coast—and an onshore processing center
 10 (“LFC”) located in Las Flores Canyon near Goleta. Except as so admitted, the
 11 Board lacks knowledge or information sufficient to form a belief about the truth
 12 of the remaining allegations and on that basis denies the remaining allegations
 13 contained therein.

14 3. In response to the allegations of paragraph 3, the Board admits that
 15 ExxonMobil built LFC and started transporting SYU oil to refineries via
 16 pipeline. Except as so admitted, the Board lacks knowledge or information
 17 sufficient to form a belief about the truth of the remaining allegations and on
 18 that basis denies the remaining allegations contained therein.

19 4. In response to the allegations of paragraph 4, the Board lacks knowledge
 20 or information sufficient to form a belief as to the truth of the allegations and on
 21 that basis denies each and every allegation contained therein.

22 5. In response to the allegations of paragraph 5, the Board lacks knowledge
 23 or information sufficient to form a belief as to the truth of the allegations and on
 24 that basis denies each and every allegation contained therein.

25 6. In response to the allegations of paragraph 6, the Board lacks knowledge
 26 or information sufficient to form a belief as to the truth of the allegations and on
 27 that basis denies each and every allegation contained therein.
 28 //

1 7. In response to the allegations of paragraph 7, the Board admits that on
 2 May 19, 2015, one of the two pipelines used to transport SYU crude oil ruptured
 3 and Plains All American Pipeline, LLC (“Plains”), the owner and operator of the
 4 pipelines, shut down both pipelines. The Board admits that Plains’ two pipelines
 5 were ExxonMobil’s only transportation option to transport SYU oil and that
 6 about a month after the pipeline rupture, ExxonMobil suspended SYU
 7 operations and initiated preservation efforts. Based on information and belief,
 8 the Board admits that after the pipeline rupture, ExxonMobil trucked its
 9 remaining inventory—approximately 400,000 barrels of oil in 2,500
 10 truckloads—to the Phillips 66 Santa Maria Pump Station (“SMPS”) in Santa
 11 Barbara County. Except as so admitted, the Board lacks knowledge or
 12 information sufficient to form a belief as to the truth of the remaining allegations
 13 and on that basis denies the remaining allegations contained therein.

14 8. In response to the allegations of paragraph 8, the Board admits that on
 15 September 22, 2017, ExxonMobil submitted a permit application to the County
 16 of Santa Barbara (the “County”) for the Interim Trucking for Santa Ynez Unit
 17 Phased Restart Project, Case No. 17RVP-00000-00081, seeking approval of a
 18 revision of Development Plan No. 87-DP-32cz (the “Development Plan”) to
 19 allow ExxonMobil to transport crude oil via truck first to SMPS until it closes,
 20 and then to the Plains Pentland Terminal ("Pentland") in Kern County, for up to
 21 seven years or until a pipeline becomes available, whichever is shorter (the
 22 “Project”), and during this time, SYU would produce and process crude oil at
 23 around 39% of its baseline capacity, returning to full capacity when a pipeline
 24 becomes available. Except as so admitted, the Board lacks knowledge or
 25 information sufficient to form a belief about the truth of the remaining
 26 allegations and on that basis denies the remaining allegations contained therein.

27 9. In response to the allegations of paragraph 9, the Board admits that
 28 several hearings were held, giving the public and interested groups multiple

1 opportunities to comment on the Project. The Board admits that pursuant to the
2 California Environmental Quality Act (“CEQA”), the County’s staff prepared a
3 Revised Final Supplemental Environmental Impact Report dated August 2021
4 (“Final SEIR”). Except as so admitted, the Board lacks knowledge or
5 information sufficient to form a belief about the truth of the remaining
6 allegations and on that basis denies the remaining allegations contained therein.

7 10. In response to the allegations of paragraph 10, the Board admits that on
8 September 8, 2021, the County’s P&D staff issued a report (the “Staff Report”).
9 Except as so admitted, the remaining allegations of paragraph 10 purport to
10 paraphrase or characterize the contents of the Staff Report. To the extent that
11 these remaining allegations may be deemed to require an answer, the Staff
12 Report speaks for itself and the Board denies the allegations to the extent that
13 they are inconsistent with that document.

14 11. In response to the allegations of paragraph 11, said paragraph contains
15 conclusory statements purporting to paraphrase or characterize the contents of
16 the Staff Report. To the extent these allegations may be deemed to require an
17 answer, the Staff Report speaks for itself and the Board denies the allegations to
18 the extent that they are inconsistent with that document.

19 12. In response to the allegations of paragraph 12, said paragraph contains
20 conclusory statements purporting to paraphrase or characterize the contents of
21 the Staff Report. To the extent these allegations may be deemed to require an
22 answer, the Staff Report speaks for itself and the Board denies the allegations to
23 the extent that they are inconsistent with that document.

24 13. In response to the allegations of paragraph 13, the Board denies that the
25 Staff Report recommended that the County’s Planning Commission (the
26 “Commission”) conditionally approve the Project at its September 29, 2021
27 hearing. The Board admits that the Commission did not recommend that the
28 Board approve the Project. Except as so denied, the remaining allegations of

1 paragraph 13 purport to paraphrase or characterize the contents of the Staff
 2 Report. To the extent that these remaining allegations may be deemed to require
 3 an answer, the Staff Report speaks for itself and the Board denies the allegations
 4 to the extent that they are inconsistent with that document.

5 14. In response to the allegations of paragraph 14, the Board admits that on
 6 September 29, 2021, the Commission voted, three to two, to direct P&D Staff to
 7 prepare findings for denial of the Project. The Board admits that the
 8 Commission voted, three to two, to not recommend that the Board conditionally
 9 approve the Project. Except as so admitted, the remaining allegations of
 10 paragraph 14 purport to paraphrase or characterize the Commission's
 11 documented action, contents of the Staff Report and the Final SEIR, and related
 12 documents, and contain conclusions of law and argument which do not require
 13 an answer. To the extent these allegations may be deemed to require an answer,
 14 the Commission's documented action, the Staff Report, Final SEIR, and related
 15 documents speak for themselves and the Board denies the allegations to the
 16 extent that they are inconsistent with those documents. To the extent that any
 17 remaining allegations may be deemed to require an answer, the Board denies the
 18 allegations.

19 15. In response to the allegations of paragraph 15, the Board admits that on
 20 March 8, 2022, it voted, three to two, to deny the Project, as recommended by
 21 the Commission. Except as so admitted, the Board denies the allegations.

22 16. In response to the allegations of paragraph 16, the Board denies the
 23 allegations.

24 17. In response to the allegations of paragraph 17, the Board denies the
 25 allegations.

26 18. In response to the allegations of paragraph 18, said paragraph contains
 27 statements that are legal assertions, arguments, or conclusions and not material
 28 allegations and therefore no response is required.

JURISDICTION AND VENUE

19. In response to the allegations of paragraph 19, the Board lacks knowledge
 2 or information sufficient to form a belief as to the truth of the allegations and on
 3 that basis denies each and every allegation contained therein.

20. In response to the allegations of paragraph 20, the Board lacks knowledge
 5 or information sufficient to form a belief as to the truth of the allegations and on
 6 that basis denies each and every allegation contained therein.

21. In response to the allegations of paragraph 21, the Board lacks knowledge
 8 or information sufficient to form a belief as to the truth of the allegations and on
 9 that basis denies each and every allegation contained therein.

22. In response to the allegations of paragraph 22, the Board admits that
 11 venue is proper in the Central District of California pursuant to 28 U.S.C. §
 12 1391(b) because the Board resides in this judicial district and a substantial part
 13 of the alleged events or omissions giving rise to ExxonMobil's action occurred
 14 in this judicial district.

PARTIES

23. In response to the allegations of paragraph 23, the Board admits that SYU
 17 consists of LFC, located in Las Flores Canyon, and the Platforms. Except as so
 18 admitted, the Board lacks knowledge or information sufficient to form a belief
 19 about the truth of the remaining allegations and on that basis denies the
 20 remaining allegations contained therein.

22. In response to the allegations of paragraph 24, the Board admits the
 23 allegations.

GENERAL ALLEGATIONS

25. In response to the allegations of paragraph 25, the Board admits that
 26 Attachment A to the Staff Report, Findings for Approval, at page A-10 (cited in
 27 footnote 3), states that from 2016 to 2020, ExxonMobil's property tax payments
 28 associated with LFC and the Pacific Offshore Pipeline Company facility were

1 between \$1 million and \$1.7 million per year. Except as so admitted, the Board
 2 lacks knowledge or information sufficient to form a belief about the truth of the
 3 remaining allegations and on that basis denies the remaining allegations
 4 contained therein.

5 26. In response to the allegations of paragraph 26, the Board admits that in
 6 September 2017, ExxonMobil submitted to the County an application seeking
 7 approval of the Project. The Board admits that as part of the Project,
 8 ExxonMobil sought to install and operate a new tanker truck loading rack and
 9 attendant equipment at the LFC facility. Except as so admitted, the Board lacks
 10 knowledge or information sufficient to form a belief about the truth of the
 11 remaining allegations and on that basis denies the remaining allegations
 12 contained therein.

13 27. In response to the allegations of paragraph 27, based on information and
 14 belief, the Board admits the allegations in the first and second sentences. In
 15 response to the allegations contained in the third sentence, the Board admits that
 16 when a pipeline becomes available, ExxonMobil may return to full production
 17 of SYU without any additional authorizations required from the Board. Except
 18 as so admitted, the third sentence of paragraph 27 contains legal assertions,
 19 arguments, or conclusions that are not material allegations, and to which no
 20 response is required. To the extent these legal assertions, arguments, or
 21 conclusions may be interpreted to assert material allegations, the Board denies
 22 the allegations. Except as so admitted and denied, the Board lacks knowledge or
 23 information sufficient to form a belief about the truth of the remaining
 24 allegations and on that basis denies the remaining allegations contained therein.

25 28. In response to the allegations of paragraph 28, the Board admits the
 26 allegations.

27 29. In response to the allegations of paragraph 29, said paragraph contains
 28 conclusory statements purporting to paraphrase or characterize the contents of

1 the Final SEIR. To the extent these allegations may be deemed to require an
 2 answer, the Final SEIR speaks for itself and the Board denies the allegations to
 3 the extent that they are inconsistent with that document. Except as so denied, the
 4 Board lacks knowledge or information sufficient to form a belief about the truth
 5 of the remaining allegations and on that basis denies the remaining allegations
 6 contained therein.

7 30. In response to the allegations of paragraph 30, said paragraph contains
 8 conclusory statements purporting to paraphrase or characterize the contents of
 9 the Staff Report, Attachment A to the Staff Report, and Attachment B to the
 10 Staff Report. To the extent these allegations may be deemed to require an
 11 answer, the Staff Report, Attachment A to the Staff Report, and Attachment B to
 12 the Staff Report speak for themselves and the Board denies the allegations to the
 13 extent that they are inconsistent with those documents.

14 31. In response to the allegations of paragraph 31, said paragraph contains
 15 conclusory statements purporting to paraphrase or characterize the contents of
 16 the Staff Report and Attachment B to the Staff Report. To the extent these
 17 allegations may be deemed to require an answer, the Staff Report and
 18 Attachment B to the Staff Report speak for themselves and the Board denies the
 19 allegations to the extent that they are inconsistent with those documents. Except
 20 as so denied, the Board lacks knowledge or information sufficient to form a
 21 belief about the truth of the remaining allegations and on that basis denies the
 22 remaining allegations contained therein.

23 32. In response to the allegations of paragraph 32, the Board admits that the
 24 risk of oil spills from the Project cannot be eliminated or reduced to less than
 25 significant levels. Except as so admitted, paragraph 32 contains conclusory
 26 statements purporting to paraphrase or characterize the contents of the Staff
 27 Report. To the extent these allegations may be deemed to require an answer, the
 28 Staff Report speaks for itself and the Board denies the allegations to the extent

1 that they are inconsistent with that document. Except as so admitted and denied,
 2 the Board lacks knowledge or information sufficient to form a belief about the
 3 truth of the remaining allegations and on that basis denies the remaining
 4 allegations contained therein.

5 33. In response to the allegations of paragraph 33, the Board admits that the
 6 Project included proposed conditions of approval designed to reduce the impacts
 7 on air quality and climate change/greenhouse gas emissions. Except as so
 8 admitted, said paragraph contains conclusory statements purporting to
 9 paraphrase or characterize the contents of the Staff Report. To the extent these
 10 allegations may be deemed to require an answer, the Staff Report speaks for
 11 itself and the Board denies the allegations to the extent that they are inconsistent
 12 with that document. Except as so denied, the Board lacks knowledge or
 13 information sufficient to form a belief about the truth of the remaining
 14 allegations and on that basis denies the remaining allegations contained therein.

15 34. In response to the allegations of paragraph 34, the Board admits the
 16 allegations.

17 35. In response to the allegations of paragraph 35, the Board admits that the
 18 Project was modified to reduce its potential impact on traffic volumes and
 19 safety, reducing traffic impacts to less than significant levels. Except as so
 20 admitted, said paragraph contains conclusory statements purporting to
 21 paraphrase or characterize the contents of the Staff Report. To the extent these
 22 allegations may be deemed to require an answer, the Staff Report speaks for
 23 itself and the Board denies the allegations to the extent that they are inconsistent
 24 with that document. Except as so denied, the Board lacks knowledge or
 25 information sufficient to form a belief about the truth of the remaining
 26 allegations and on that basis denies the remaining allegations contained therein.

27 36. In response to the allegations of paragraph 36, the Board admits that in
 28 September 2021, the County's P&D staff issued the Staff Report. Except as so

1 admitted, paragraph 36 contains conclusory statements purporting to paraphrase
 2 or characterize the contents of the Staff Report. To the extent these allegations
 3 may be deemed to require an answer, the Staff Report speaks for itself and the
 4 Board denies the allegations to the extent that they are inconsistent with that
 5 document.

6 37. In response to the allegations of paragraph 37, said paragraph contains
 7 conclusory statements purporting to paraphrase or characterize the contents of
 8 the Staff Report and Attachment A to the Staff Report. To the extent these
 9 allegations may be deemed to require an answer, the Staff Report and
 10 Attachment A to the Staff Report speak for themselves and the Board denies the
 11 allegations to the extent that they are inconsistent with these documents. Except
 12 as so denied, the Board lacks knowledge or information sufficient to form a
 13 belief about the truth of the remaining allegations and on that basis denies the
 14 remaining allegations contained therein.

15 38. In response to the allegations of paragraph 38, said paragraph contains
 16 conclusory statements purporting to paraphrase or characterize the contents of
 17 the Staff Report and Attachment A to the Staff Report. To the extent these
 18 allegations may be deemed to require an answer, the Staff Report and
 19 Attachment A to the Staff Report speak for themselves and the Board denies the
 20 allegations to the extent that they are inconsistent with these documents. Except
 21 as so denied, the Board lacks knowledge or information sufficient to form a
 22 belief about the truth of the remaining allegations and on that basis denies the
 23 remaining allegations contained therein.

24 39. In response to the allegations of paragraph 39, said paragraph contains
 25 conclusory statements purporting to paraphrase or characterize the contents of
 26 the Staff Report and Attachment A to the Staff Report. To the extent these
 27 allegations may be deemed to require an answer, the Staff Report and
 28 Attachment A to the Staff Report speak for themselves and the Board denies the

1 allegations to the extent that they are inconsistent with these documents. Except
 2 as so denied, the Board lacks knowledge or information sufficient to form a
 3 belief about the truth of the remaining allegations and on that basis denies the
 4 remaining allegations contained therein.

5 40. In response to the allegations of paragraph 40, the Board admits that the
 6 Project came before the Commission on September 29, 2021; the Board admits
 7 that P&D Staff made a presentation in support of the Commission
 8 recommending that the Board approve the Project; and the Board admits that the
 9 Commission did not recommend that the Board approve the Project. Except as
 10 so admitted, the Board lacks knowledge or information sufficient to form a
 11 belief about the truth of the remaining allegations and on that basis denies the
 12 remaining allegations contained therein.

13 41. In response to the allegations of paragraph 41, the Board admits the
 14 allegations.

15 42. In response to the allegations of paragraph 42, the Board denies the
 16 allegations.

17 43. In response to the allegations of paragraph 43, the Board denies the
 18 allegations contained in the first sentence. The second and third sentences
 19 purport to paraphrase or characterize the documented actions of the
 20 Commission. To the extent these allegations may be deemed to require an
 21 answer, the documented actions of the Commission speak for themselves and
 22 the Board denies the allegations to the extent that they are inconsistent with
 23 these documented actions.

24 44. In response to the allegations of paragraph 44, the Board admits that
 25 pursuant to the Commission's instructions, P&D Staff returned with a
 26 memorandum and Findings for Denial. Except as so admitted, the Board denies
 27 the allegations.
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1 45. In response to the allegations of paragraph 45, the Board admits the
 2 allegations.

3 46. In response to the allegations of paragraph 46, the Board admits that on
 4 March 8, 2022, by a vote of three to two, the Board followed the Commission's
 5 recommendation to deny the Project; the Board admits that it was unable to
 6 make the finding that there was substantial evidence that benefits outweighed
 7 the significant and unavoidable risk of potential oil spills and that it was unable
 8 to make a CEQA Statement of Overriding Considerations; the Board admits that
 9 it was unable to make the findings required by the County Land Use and
 10 Development Code ("LUDC") subsections 35.82.080.E.1(c) and (e) and Article
 11 II Coastal Zoning Ordinance ("CZO") subsections 35-174.7.1(c) and (e). Except
 12 as so admitted, said paragraph contains conclusory statements purporting to
 13 paraphrase or characterize the contents of the Board's Findings for Denial, the
 14 Staff Report, and Final SEIR. To the extent these allegations may be deemed to
 15 require an answer, the Board's Findings for Denial, the Staff Report, and Final
 16 SEIR speak for themselves and the Board denies the allegations to the extent
 17 they are inconsistent with these documents.

18 47. In response to the allegations of paragraph 47, the Board denies the
 19 allegations in the first sentence. The remaining content of paragraph 47 contains
 20 conclusory statements purporting to paraphrase or characterize the contents of
 21 the Staff Report, Attachment A to the Staff Report, and the Final SEIR. To the
 22 extent these allegations may be deemed to require an answer, the Staff Report,
 23 Attachment A to the Staff Report, and the Final SEIR speak for themselves and
 24 the Board denies the allegations to the extent that they are inconsistent with
 25 these documents. Except as so denied, the Board lacks knowledge or
 26 information sufficient to form a belief about the truth of the remaining
 27 allegations and on that basis denies the remaining allegations contained therein.
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1 48. In response to the allegations of paragraph 48, the Board lacks knowledge
 2 or information sufficient to form a belief as to the truth of the allegations and on
 3 that basis denies each and every allegation contained therein.

4 49. In response to the allegations of paragraph 49, the Board denies the
 5 allegations.

6 50. In response to the allegations of paragraph 50, the Board admits that it
 7 found that ExxonMobil did not present substantial evidence to support
 8 conclusory statements that the Project would increase local jobs or expenditures
 9 at local businesses. The Board admits that it noted that economic benefits arising
 10 from local jobs and local expenditures “may not be as secure or as high quality
 11 as indicated by [ExxonMobil] and they do not outweigh the unavoidable adverse
 12 environmental impacts of the Project.” Except as so admitted, said paragraph
 13 contains conclusory statements purporting to paraphrase or characterize the
 14 contents of the Staff Report and Attachment A to the Staff Report. To the extent
 15 these allegations may be deemed to require an answer, the Staff Report and
 16 Attachment A to the Staff Report speak for themselves and the Board denies the
 17 allegations to the extent that they are inconsistent with these documents. Except
 18 as so admitted and denied, the Board denies the remaining allegations.

19 51. In response to the allegations of paragraph 51, the Board admits that its
 20 Findings for Denial state that the potential economic benefits of the Project were
 21 “substantially less than those of the County’s coastal hospitality industry, which
 22 is significantly threatened by the possibility of oil spills.” Except as so admitted,
 23 said paragraph contains conclusory statements purporting to paraphrase or
 24 characterize the contents of the Final SEIR. To the extent these allegations may
 25 be deemed to require an answer, the Final SEIR speaks for itself and the Board
 26 denies the allegations to the extent that they are inconsistent with that document.
 27 Except as so admitted and denied, the Board lacks knowledge or information
 28 //

1 sufficient to form a belief as to the truth of the remaining allegations and on that
 2 basis denies the remaining allegations contained therein.

3 52. In response to the allegations of paragraph 52, said paragraph contains
 4 conclusory statements and argument purporting to paraphrase or characterize the
 5 Board's Findings for Denial, the Staff Report, and Final SEIR. To the extent
 6 these allegations and argument may be deemed to require an answer, the
 7 Board's Findings for Denial, the Staff Report, and Final SEIR speak for
 8 themselves and the Board denies the allegations to the extent that they are
 9 inconsistent with these documents.

10 53. In response to the allegations of paragraph 53, the first sentence is a legal
 11 conclusion that does not require a response. The Board denies the remaining
 12 allegations.

13 54. In response to the allegations of paragraph 54, the Board denies the
 14 allegations.

15 55. In response to the allegations of paragraph 55, the Board denies the
 16 allegations. To the extent this paragraph contains conclusory statements
 17 purporting to paraphrase or characterize the contents of the Staff Report,
 18 Attachment A to the Staff Report, and to the extent those allegations may be
 19 deemed to require an answer, the Final SEIR, the Staff Report, Attachment A to
 20 the Staff Report, and the Final SEIR speak for themselves and the Board denies
 21 the allegations to the extent that they are inconsistent with these documents.

22 56. In response to the allegations of paragraph 56, said paragraph contains
 23 conclusory statements purporting to paraphrase or characterize the Board's
 24 Findings for Denial. To the extent these allegations may be deemed to require an
 25 answer, the Board's Findings for Denial document speaks for itself and the
 26 Board denies the allegations to the extent that they are inconsistent with that
 27 document. Except as so denied, the Board denies all remaining allegations.

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1 57. In response to the allegations of paragraph 57, said paragraph contains
 2 conclusory statements purporting to paraphrase or characterize the contents of
 3 the Staff Report. To the extent these allegations may be deemed to require an
 4 answer, the Staff Report speaks for itself and the Board denies the allegations to
 5 the extent that they are inconsistent with that document.

6 58. In response to the allegations of paragraph 58, the Board denies the
 7 allegations in the first sentence. The second sentence contains conclusory
 8 statements purporting to paraphrase or characterize the contents of the
 9 ExxonMobil Interim Trucking Permit Project Revised Traffic & Circulation
 10 Study. To the extent these allegations may be deemed to require an answer, the
 11 ExxonMobil Interim Trucking Permit Project Revised Traffic & Circulation
 12 Study speaks for itself and the Board denies the allegations to the extent that
 13 they are inconsistent with that document.

14 59. In response to the allegations of paragraph 59, said paragraph contains
 15 conclusory statements purporting to paraphrase or characterize the contents of
 16 the Final SEIR. To the extent these allegations may be deemed to require an
 17 answer, the Final SEIR speaks for itself and the Board denies the allegations to
 18 the extent that they are inconsistent with that document. Except as so denied, the
 19 Board lacks knowledge or information sufficient to form a belief about the truth
 20 of the remaining allegations and on that basis denies the remaining allegations
 21 contained therein.

22 60. In response to the allegations of paragraph 60, said paragraph contains
 23 argument and conclusory statements purporting to paraphrase or characterize the
 24 contents of the Board's Findings for Denial, Attachment B to the Staff Report
 25 (Conditions of Approval for Modified Interim Trucking Project), the County's
 26 Public Works Department Letter dated July 21, 2020, and the Final SEIR. To the
 27 extent these allegations may be deemed to require an answer, the Board's
 28 Findings for Denial, Attachment B to the Staff Report, the County's Public

1 Works Department letter dated July 21, 2020, and the Final SEIR speak for
2 themselves and the Board denies the allegations to the extent that they are
3 inconsistent with these documents. Except as so denied, the Board denies all
4 remaining allegations.

5 61. In response to the allegations of paragraph 61, said paragraph contains
6 conclusory statements purporting to paraphrase or characterize the contents of
7 the Staff Report, Attachment A to the Staff Report, and the Final SEIR. To the
8 extent these allegations may be deemed to require an answer, the Staff Report,
9 Attachment A to the Staff Report, and the Final SEIR speak for themselves and
10 the Board denies the allegations to the extent that they are inconsistent with
11 these documents.

12 62. In response to the allegations of paragraph 62, the Board denies the
13 allegations in the first and second sentences. The third sentence purports to set
14 forth statements of law to which no response is required. To the extent a
15 response is required, the Board denies the allegations in the third sentence of
16 paragraph 62.

17 63. In response to the allegations of paragraph 63, the Board denies the
18 allegations.

19 64. In response to the allegations of paragraph 64, the Board denies the
20 allegations.

21 65. In response to the allegations of paragraph 65, said paragraph contains
22 conclusory statements purporting to paraphrase or characterize the contents of
23 the Staff Report, the County's Coastal Land Use Plan, and the County's Coastal
24 Land Use Plan Policy 6-8. To the extent these allegations may be deemed to
25 require an answer, the Staff Report, the County's Coastal Land Use Plan, and
26 the County's Coastal Land Use Plan Policy 6-8 speak for themselves and the
27 Board denies the allegations to the extent that they are inconsistent with these
28 documents. Except as so denied, the Board denies the remaining allegations.

1 66. In response to the allegations of paragraph 66, said paragraph contains
 2 conclusory statements purporting to paraphrase or characterize the contents of
 3 the Staff Report, the County's CZO, and the County's LUDC. To the extent
 4 these allegations may be deemed to require an answer, the Staff Report, the
 5 County's CZO, and the County's LUDC speak for themselves and the Board
 6 denies the allegations to the extent that they are inconsistent with these
 7 documents.

8 67. In response to the allegations of paragraph 67, said paragraph contains
 9 conclusory statements purporting to paraphrase or characterize the contents of
 10 the Development Plan, the Staff Report, and Attachment B to the Staff Report.
 11 To the extent these allegations may be deemed to require an answer, the
 12 Development Plan, the Staff Report, and Attachment B to the Staff Report speak
 13 for themselves and the Board denies the allegations to the extent that they are
 14 inconsistent with these documents.

15 68. Paragraph 68 contains legal conclusions or arguments that do not require
 16 a response and contains conclusory statements purporting to paraphrase or
 17 characterize the contents of the CZO section 35-154.5(i) and LUDC section
 18 35.52.060.B.10.b. To the extent these allegations may be deemed to require an
 19 answer, CZO section 35-154.5(i) and LUDC section 35.52.060.B.10.b speak for
 20 themselves and the Board denies the allegations to the extent that they are
 21 inconsistent with these documents. The Board denies all remaining allegations.

22 69. In response to the allegations of paragraph 69, said paragraph contains
 23 conclusory statements purporting to paraphrase or characterize the contents of
 24 the Staff Report, Attachment A to the Staff Report, and statements of members
 25 of the Board. To the extent these allegations may be deemed to require an
 26 answer, the Staff Report, Attachment A to the Staff Report, and recorded
 27 statements of members of the Board speak for themselves and the Board denies
 28 //

1 the allegations to the extent that they are inconsistent with these documents. The
 2 Board denies all remaining allegations.

3 70. In response to the allegations of paragraph 70, the Board denies the
 4 allegations.

5 71. In response to the allegations of paragraph 71, the Board lacks knowledge
 6 or information sufficient to form a belief as to the truth of the allegations and on
 7 that basis denies each and every allegation contained therein.

8 72. In response to the allegations of paragraph 72, the Board lacks knowledge
 9 or information sufficient to form a belief as to the truth of the allegations and on
 10 that basis denies each and every allegation contained therein.

11 73. In response to the allegations of paragraph 73, the Board lacks knowledge
 12 or information sufficient to form a belief as to the truth of the allegations and on
 13 that basis denies each and every allegation contained therein.

14 74. In response to the allegations of paragraph 74, the first sentence states a
 15 legal conclusion or argument that does not require a response. To the extent a
 16 response is required, the Board denies the allegations in the first sentence of
 17 paragraph 74. The second sentence contains conclusory statements purporting to
 18 paraphrase or characterize the contents of the Staff Report and Final SEIR. To
 19 the extent the allegations may be deemed to require an answer, the Staff Report
 20 and Final SEIR speak for themselves and the Board denies the allegations to the
 21 extent that they are inconsistent with these documents.

22 75. In response to the allegations of paragraph 75, the Board lacks knowledge
 23 or information sufficient to form a belief as to the truth of the allegations and on
 24 that basis denies each and every allegation contained therein.

25 76. In response to the allegations of paragraph 76, the Board denies the
 26 allegations.

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1 77. In response to the allegations of paragraph 77, the Board lacks knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on
3 that basis denies each and every allegation contained therein.

FIRST CAUSE OF ACTION

Petition for Writ of Administrative Mandate (Cal. Code Civ. Proc. § 1094.5)

7 78. In paragraph 78, ExxonMobil realleges and incorporates by reference
8 each and every allegation set forth in paragraphs 1 through 77 of its petition and
9 complaint. Insofar as a response is required to paragraph 78, the Board
10 incorporates by reference its responses to those allegations as if fully set forth
11 herein.

12 79. Paragraph 79 contains a legal assertion that is not a material allegation
13 and therefore no response is required.

14 80. In response to the allegations of paragraph 80, the first sentence states a
15 legal conclusion or argument that does not require a response. To the extent a
16 response is required, the Board denies the allegations in the first sentence of
17 paragraph 80. The Board denies the remaining allegations in paragraph 80.

18 81. In response to the allegations of paragraph 81, the Board denies that its
19 denial of the Project was arbitrary, capricious, unlawful, and/or a prejudicial
20 abuse of discretion.

21 82. In response to the allegations of paragraph 82, the Board denies the
22 allegations.

23 83. In response to the allegations of paragraph 83, the Board denies the
24 allegations.

25 84. Paragraph 84 contains legal assertions, arguments, or conclusions to
26 which no response is required. To the extent this paragraph may be interpreted
27 to assert material allegations, the Board admits that California Code of
28 Regulations, title 14, section 15093(a) contains the language in quotation marks.

85. In response to the allegations of paragraph 85, the Board denies the allegations.

86. In response to the allegations of paragraph 86, the Board denies the allegations.

87. In response to the allegations of paragraph 87, the Board denies the allegations.

88. In response to the allegations of paragraph 88, the Board denies the allegations.

89. In response to the allegations of paragraph 89, the Board denies the allegations.

90. In response to the allegations of paragraph 90, the Board lacks knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies each and every allegation contained therein.

91. In response to the allegations of paragraph 91, the Board denies the allegations.

92. In response to the allegations of paragraph 92, the Board denies the allegations.

93. Paragraph 93 contains legal assertions, arguments, or conclusions and not material allegations, and therefore no response is required.

SECOND CAUSE OF ACTION

**Declaratory Relief, or in the Alternative, Petition for Writ of Mandate—
Unconstitutional Taking of Property
(28 U.S.C. §§ 2201, 2202; Cal. Code Civ. Proc. § 1094.5, in the alternative)**

94. In paragraph 94, ExxonMobil realleges and incorporates by reference each and every allegation set forth in paragraphs 1 through 93 of its petition and complaint. Insofar as a response is required to paragraph 94, the Board incorporates by reference its responses to those allegations as if fully set forth herein.

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2 95. In response to the allegations of paragraph 95, the Board denies the allegations.

3 96. Paragraph 96 contains legal assertions, arguments, or conclusions to
4 which no response is required. To the extent this paragraph may be interpreted
5 to assert material allegations, the Board denies the allegations.

98. In response to the allegations of paragraph 98, the Board denies the allegations.

10 99. In response to the allegations of paragraph 99, the Board denies the
11 allegations.

12 100. Paragraph 100 contains legal assertions, arguments, or conclusions and
13 not material allegations, and therefore no response is required. To the extent this
14 paragraph may be interpreted to assert material allegations, the Board denies the
15 allegations.

16 101. Paragraph 101 contains legal assertions, arguments, or conclusions and
17 not material allegations, and therefore no response is required.

THIRD CAUSE OF ACTION

**Declaratory Relief and Damages—United States Constitution
Commerce Clause
(28 U.S.C. §§ 2201, 2202; 42 U.S.C. § 1983)**

22 102. In paragraph 102, ExxonMobil realleges and incorporates by reference
23 each and every allegation set forth in paragraphs 1 through 101 of its petition
24 and complaint. Insofar as a response is required to paragraph 102, the Board
25 incorporates by reference its responses to those allegations as if fully set forth
26 herein.

103. Paragraph 103 contains legal assertions, arguments, or conclusions and not material allegations, and therefore no response is required. To the extent this

1 paragraph may be interpreted to assert material allegations, the Board lacks
2 knowledge or information sufficient to form a belief as to the truth of the
3 allegations and on that basis denies each and every allegation contained therein.

4 104. Paragraph 104 contains legal assertions, arguments, or conclusions and
5 not material allegations, and therefore no response is required.

6 105. In response to the allegations of paragraph 105, the Board denies the
7 allegations.

8 106. In response to the allegations of paragraph 106, the Board denies the
9 allegations.

10 107. In response to the allegations of paragraph 107, the Board denies the
11 allegations.

12 108. In response to the allegations of paragraph 108, the Board denies the
13 allegations.

14 109. In response to the allegations of paragraph 109, the Board denies that the
15 Project denial works a total, discriminatory ban on transportation of oil and gas.
16 Except as so denied, the Board lacks knowledge or information sufficient to
17 form a belief as to the truth of the allegations and on that basis denies each and
18 every allegation contained therein.

19 110. In response to the allegations of paragraph 110, the Board denies the
20 allegations.

21 111. In response to the allegations of paragraph 111, the Board denies the
22 allegations.

23 112. In response to the allegations of paragraph 112, the Board admits the
24 allegations.

25 113. Paragraph 113 contains legal assertions, arguments, or conclusions and
26 not material allegations, and therefore no response is required. To the extent this
27 paragraph may be interpreted to assert material allegations, the Board lacks
28 knowledge or information sufficient to form a belief as to the truth of the

1 allegations and on that basis denies each and every allegation contained therein.

2 114. In response to the allegations of paragraph 114, the Board denies the
3 allegations.

4 115. Paragraph 115 contains legal assertions, arguments, or conclusions and
5 not material allegations, and therefore no response is required.

6 FOURTH CAUSE OF ACTION

7 Declaratory Relief—California Constitution 8 (28 U.S.C. § 2201, 2202)

9 116. In paragraph 116, ExxonMobil realleges and incorporates by reference
10 each and every allegation set forth in paragraphs 1 through 115 of its petition
11 and complaint. Insofar as a response is required to paragraph 116, the Board
12 incorporates by reference its responses to those allegations as if fully set forth
13 herein.

14 117. Paragraph 117 contains legal assertions, arguments, or conclusions and
15 not material allegations, and therefore no response is required.

16 118. In response to the allegations of paragraph 118, the Board lacks
17 knowledge or information sufficient to form a belief as to the truth of the
18 allegations and on that basis denies each and every allegation contained therein.

19 119. In response to the allegations of paragraph 119, the Board denies the
20 allegations.

21 120. In response to the allegations of paragraph 120, the Board denies the
22 allegations.

23 121. In response to the allegations of paragraph 121, the Board denies the
24 allegations.

25 122. In response to the allegations of paragraph 122, the Board denies the
26 allegations.

27 123. In response to the allegations of paragraph 123, the Board denies the
28 allegations.

124. Paragraph 124 contains legal assertions, arguments, or conclusions and not material allegations, and therefore no response is required.

FIFTH CAUSE OF ACTION

Declaratory Relief—Illegal Exercise of Police Power (28 U.S.C. §§ 2201, 2202)

6 125. In paragraph 125, ExxonMobil realleges and incorporates by reference
7 each and every allegation set forth in paragraphs 1 through 124 of its petition
8 and complaint. Insofar as a response is required to paragraph 125, the Board
9 incorporates by reference its responses to those allegations as if fully set forth
10 herein.

11 126. Paragraph 126 contains legal assertions, arguments, or conclusions and
12 not material allegations, and therefore no response is required.

13 127. Paragraph 127 contains legal assertions, arguments, or conclusions and
14 not material allegations, and therefore no response is required. To the extent this
15 paragraph may be interpreted to assert material allegations, the Board admits
16 that the Constitution of the State of California, Article XI, section 7 contains the
17 language in quotation marks.

18 128. Paragraph 128 contains legal assertions, arguments, or conclusions and
19 not material allegations, and therefore no response is required.

20 129. In response to the allegations of paragraph 129, the Board lacks
21 knowledge or information sufficient to form a belief as to the truth of the
22 allegations and on that basis denies each and every allegation contained therein.

23 130. In response to the allegations of paragraph 130, the Board denies the
24 allegations.

25 131. Paragraph 131 contains legal assertions, arguments, or conclusions and
26 not material allegations, and therefore no response is required.

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SIXTH CAUSE OF ACTION

Inverse Condemnation—Unconstitutional Taking of Property (42 U.S.C. § 1983; U.S. Const. amend. V; Cal. Const. art. I, § 19)

132. In paragraph 132, ExxonMobil realleges and incorporates by reference each and every allegation set forth in paragraphs 1 through 131 of its petition and complaint. Insofar as a response is required to paragraph 132, the Board incorporates by reference its responses to those allegations as if fully set forth herein.

133. In response to the allegations of paragraph 133, the Board lacks knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies each and every allegation contained therein.

134. Paragraph 134 contains legal assertions, arguments, or conclusions to which no response is required. To the extent this paragraph may be interpreted to assert material allegations, the Board denies the allegations.

135. In response to the allegations of paragraph 135, the Board denies the allegations.

136. In response to the allegations of paragraph 136, the Board denies the allegations.

137. In response to the allegations of paragraph 137, the Board denies the allegations.

AFFIRMATIVE DEFENSES

The Board is informed and believes, and on such information and belief, alleges the affirmative defenses set forth below. By alleging these defenses, the Board does not admit that it has the burden of proof and/or burden of persuasion as to any of these defenses.

First Affirmative Defense

ExxonMobil lacks standing to bring the claims that are set forth in the Petition.

Second Affirmative Defense

The Petition, and each cause of action therein, is barred by the failure to exhaust administrative remedies.

Third Affirmative Defense

The relief ExxonMobil seeks, if granted, would improperly interfere with the Board's lawful exercise of its authority and discretion.

Fourth Affirmative Defense

ExxonMobil has failed, refused, and neglected to reasonably mitigate its damages, which bars or diminishes any recovery.

Fifth Affirmative Defense

The Board is not liable for ExxonMobil's injuries and damages, if there were any, caused by denial of the Project pursuant to California Government Code section 818.4.

Sixth Affirmative Defense

The Board is not liable for ExxonMobil's injuries and damages, if there were any, caused by denial of the Project pursuant to California Government Code section 815.

Seventh Affirmative Defense

The causes of action asserted in the Petition are barred by the doctrines of waiver and estoppel.

Eighth Affirmative Defense

The Board is not liable in that ExxonMobil's injuries and damages, if there were any, were caused by the acts or omissions of other persons or entities, and not by the Board.

WHEREFORE, the Board prays that:

1. ExxonMobil's petition for a writ of mandate be denied in its entirety;
 2. ExxonMobil's complaint for declaratory relief be denied;

- 1 3. ExxonMobil take nothing by reason of its complaint for damages and that
2 judgment be rendered in favor of the Board;
3 4. The Board recovers its costs in this proceeding, along with attorneys' fees to
4 the extent permitted by law; and
5 5. The Court award to the Board such other and further relief as it considers just
6 and proper.

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8 Dated: June 24, 2022

RACHEL VAN MULLEM
COUNTY COUNSEL

9
10 By: /S/ - Mary Pat Barry
11 Mary Pat Barry
12 Senior Deputy County Counsel
13 Attorneys for Respondent and Defendant,
14 SANTA BARBARA COUNTY
15 BOARD OF SUPERVISORS